

Message Text

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INFO AMEMBASSY LONDON PRIORITY
AMEMBASSY MOSCOW PRIORITY

S E C R E T SECTION 01 OF 03 GENEVA 03854

EXDIS USCTB

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TAGS: PARM US UK UR
SUBJECT: CTB NEGOTIATIONS: PLENARY MEETING MARCH 10, 1978

CTB MESSAGE NO.169

1. SUMMARY: MOROKHOV (USSR) CRITICIZED SEVERAL ASPECTS OF US PROPOSALS FOR ON-SITE INSPECTIONS (OSIS), INCLUDING US DEL'S LANGUAGE ON INITIATION, PURPOSE, TIMING OF SPECIFICATION OF EXEMPT SITES, AND DETAILED LIST OF RIGHTS AND FUNCTIONS, STATING THAT US DEL'S PROPOSAL CANNOT BE THE BASIS FOR AGREEMENT ON OSI RIGHTS AND FUNCTIONS. HE PROPOSED AGAIN THAT OSI REQUESTS OCCUR ONLY WHEN TRIGGERED BY AN "AMBIGUOUS SEISMIC EVENT" AND SUGGESTED THAT RIGHTS AND FUNCTIONS SHOULD BE STATED MUCH MORE GENERALLY THAN IN US DELEGATION DRAFT, LEAVING SPECIFICATION OF EQUIPMENT, AMONG OTHER THINGS, TO JOINT CONSULTATIVE COMMISSION. WARNKE, SUPPORTED BY CRADOCK, RESTATED REASONS FOR US POSITIONS ON THESE ISSUES. IN HEADS OF DELEGATION MEETING, HOWEVER, MOROKHOV STATED THAT AN EVENT RAISING DOUBTS ABOUT COMPLIANCE COULD LEAD TO CONSULTATIONS AND
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THEN TO AN OSI REQUEST, EVEN WITHOUT SEISMIC EVIDENCE.
END SUMMARY.

2. MOROKHOV DELIVERED STATEMENT (SEPTTEL) ON THE SUBJECT OF ON-SITE INSPECTIONS. IN THE SOVIET VIEW, OSIS ARE A SUPPLEMENTAL MEANS TO ENHANCE CONFIDENCE IN TREATY COMPLIANCE. MOROKHOV SAID THAT OSI REQUESTS SHOULD BE A

RARE OCCURRENCE, AND THAT OSIS SHOULD ENHANCE THE VIABILITY OF THE TREATY. THE FOLLOWING SEVEN POINTS REPRESENT SOVIET DEL'S REACTIONS TO THE US PROPOSALS:

(A) THE US DEL'S ILLUSTRATIVE LANGUAGE SUGGESTED THAT THE JUSTIFICATION FOR AN OSI REQUEST BE AN "EVENT OR CIRCUMSTANCE" RAISING DOUBTS ABOUT TREATY COMPLIANCE. THE SOVIET DEL HAS BEEN UNABLE TO GET A PRECISE EXPLANATION OF THIS PHRASE. MANY OTHER ISSUES DEPEND ON THIS QUESTION. THE US DEL HAS GIVEN EXAMPLES OF SUCH NON-SEISMIC EVIDENCE AS CRATERING. TO THIS COULD BE ADDED METEORITES, LIGHTNING, THE DISCHARGE OF RADIOACTIVITY FROM POWER PLANTS, AND THE COLLAPSE OF CONSTRUCTION WORKS. THE RESULT WOULD BE ABSURD. RATHER, "AMBIGUOUS SEISMIC EVENTS" COULD BE THE BASIS FOR A SOLUTION. MOROKHOV ATTACHED PARTICULAR IMPORTANCE TO THE RELATIONSHIP OF THIS PROBLEM TO THE MULTILATERAL TREATY. HE CONCEDED THAT NON-SEISMIC DATA THAT MAY RAISE QUESTIONS ABOUT COMPLIANCE MAY BE PRESENTED IN CONSULTATIONS.

(B) MOROKHOV OBSERVED THAT US DEL'S LANGUAGE DOES NOT DEFINE PURPOSE OF OSIS. THEREFORE INSPECTORS COULD LOOK FOR EVERYTHING, INCLUDING THINGS THAT HAD NO RELATION TO TREATY COMPLIANCE. SOVIETS BELIEVE PURPOSE IS TO FIND OUT THAT AN AMBIGUOUS SEISMIC EVENT WAS NOT CAUSED BY AN UNDERGROUND NUCLEAR EXPLOSION, SO INSPECTING PERSONNEL
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NEED SEE ONLY THAT NO SUCH EXPLOSION HAD TAKEN PLACE.

(C) US DEL'S LANGUAGE PROPOSES THAT BEFORE HOST DECIDES TO ACCEPT REQUEST IT SHOULD LIST EXEMPTED SITES WITH REASONS FOR EXEMPTION. BUT IN THE ABSENCE OF A DECISION TO HAVE AN INSPECTION, DISCUSSION OF EXEMPTIONS MAY NOT RESOLVE DOUBTS BUT COULD LEAD TO THE DIVULGING OF INFORMATION ABOUT AREAS CLOSED TO VISITORS. UNDER US DEL'S PROPOSAL, REQUESTING SIDE COULD THEN MODIFY OR EVEN WITHDRAW REQUESTS. THAT POSSIBILITY COULD LEAD TO IRRESPONSIBLE REQUESTS AND AFFECT NATIONAL SECURITY INTERESTS.

(D) MOROKHOV STATED THAT US DEL'S PROPOSALS ARE NOT FLEXIBLE BUT CONTAIN UNNECESSARILY SPECIFIC DETAILS WHICH WOULD LEAD TO CUMBERSOME INSPECTIONS. US DEL'S PROPOSALS FOR MANDATORY AND SUPPLEMENTARY EQUIPMENT CANNOT BE JUSTIFIED BECAUSE OF THE INFINITE VARIETY OF CONDITIONS UNDER WHICH OSIS MAY TAKE PLACE. THE INSPECTED PARTY HAS THE GREATEST INTEREST IN REMOVING DOUBTS AND IN CREATING PROPER CONDITIONS FOR EFFECTIVE INSPECTION. SEPARATE VERIFICATION AGREEMENT NEED NOT CONTAIN SO MANY DETAILS ABOUT RIGHTS, FUNCTIONS AND EQUIPMENT. THE PARTIES SHOULD

FRAME THE AGREEMENT SO THAT ITS PROVISIONS COULD BE USED
AS A BASIS FOR JOINT CONSULTATIVE COMMISSION (JCC)
ELABORATION OF PROCEDURES WITH REGARD TO RIGHTS, FUNCTIONS
AND EQUIPMENT APPLICABLE TO PARTICULAR CASES.

(E) MOROKHOV CONSIDERED US DEL'S PROPOSAL TOO VAGUE AS TO
RIGHTS OF HOST PARTY. SEPARATE VERIFICATION AGREEMENT
SHOULD BE BASED ON HARMONY OF RIGHTS OF PARTIES AND SHOULD
ESTABLISH OSIS THAT ARE COOPERATIVE RATHER THAN CON-
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(F) US DEL'S PROPOSALS DO NOT PROTECT LEGITIMATE SECURITY
INTERESTS; ARE NOT FLEXIBLE WITH DUE REGARD TO CHANGING
CONDITIONS; ARE OVERBURDENED WITH UNNECESSARY DETAILS AND
COULD VIOLATE SOVEREIGNTY. US DEL'S PROPOSALS THEREFORE
COULD NOT BE THE BASIS FOR REACHING AGREEMENT ON OSIS.

(G) IN SOVIET DEL'S OPINION THE FOLLOWING CAN CONSTITUTE
AN ACCEPTABLE BASIS FOR THE VERIFICATION AGREEMENT. AN
"AMBIGUOUS SEISMIC EVENT WHICH MAY RAISE DOUBTS AS TO
TREATY COMPLIANCE" MAY TRIGGER A REQUEST FOR AN OSI TO
CLARIFY THAT IT WAS NOT CAUSED BY AN UNDERGROUND NUCLEAR
EXPLOSION. THE RIGHTS AND FUNCTIONS OF BOTH PARTIES'
PERSONNEL WILL BE DEFINED GENERALLY BASED ON THE PRINCIPLE
OF JOINT ACTIVITY. THE INSPECTING PERSONNEL WOULD HAVE
THE RIGHT TO: CONFIRM THAT THE INSPECTION AREA CORRES-
PONDS TO THE SITE OF THE AMBIGUOUS SEISMIC EVENT; CONDUCT
UNOBSTRUCTED VISUAL SURVEY OF THE INSPECTION SITE; STUDY
RADIOACTIVITY IN THE INSPECTION AREA. THE SPECIFIC RIGHTS

AND FUNCTIONS OF THE INSPECTING PERSONNEL, INCLUDING THE USE OF EQUIPMENT, WOULD BE AGREED IN THE JCC, AFTER AGREEMENT TO HAVE AN ON-SITE INSPECTION. THE AGREEMENT WOULD ALSO PROVIDE FOR PRIVILEGES AND IMMUNITIES OF INSPECTORS,
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AS IN THE PNE PROTOCOL. THE JCC SHOULD PLAY AN IMPORTANT ROLE IN VERIFICATION AS THE STANDING CONSULTATION COMMISSION DOES IN THE VERIFICATION OF SALT.

3. WARNKE, IN PRELIMINARY COMMENTS FOUND INTERNAL INCONSISTENCY IN MOROKHOV'S STATEMENTS. THE THINGS IN WHICH US IS INTERESTED ARE TOO DETAILED AND SPECIFIC, BUT ASPECTS IN WHICH SOVIET UNION IS INTERESTED ALWAYS SEEM TO LACK CLARITY. WE HAVE TRIED TO ANSWER SOVIET DEL'S QUESTIONS ABOUT OSI INITIATION AND HAVE SAID THAT WE WANT TO REQUEST AN INSPECTION IF WE HAVE REASON TO SUSPECT THAT AN UNDERGROUND NUCLEAR EXPLOSION HAS TAKEN PLACE. THAT MAY OR MAY NOT BE AN AMBIGUOUS SEISMIC EVENT. IS MOROKHOV SAYING WE CANNOT EVEN MAKE THE REQUEST UNLESS WE MEET PREORDAINED CRITERIA? THAT'S NOT REALISTIC BECAUSE REGARDLESS OF HOW WE DESCRIBE THE EVENT, IF EITHER OF US FEELS IT HAS SIGNIFICANT EVIDENCE THAT AN UNDERGROUND NUCLEAR EXPLOSION HAS TAKEN PLACE, THE EVIDENCE WILL BE PRESENTED AND AN OSI REQUEST MAY BE MADE. WARNKE ASKED WHETHER SOVIETS ASSUMED THAT IF SUCH A REQUEST WERE MADE THE CHALLENGED PARTY COULD REFUSE TO ENTERTAIN IT WITHOUT SEISMIC EVIDENCE. THAT WOULD BE INCONSISTENT WITH SOVIET THESIS THAT CHALLENGED PARTY WOULD WANT TO PUT DOUBTS TO REST. THE EVENT WHICH SHOULD GIVE RISE TO A REQUEST IS A SUSPECTED UNDERGROUND NUCLEAR EXPLOSION. THE EVIDENCE WOULD BE OF A SOLID, SUBSTANTIAL NATURE THAT INDICATES AN UNDERGROUND NUCLEAR EXPLOSION MAY HAVE TAKEN PLACE.

4. WITH REGARD TO EXCLUSION OF SITES, WARNKE SAID THERE MAY BE SOME MISUNDERSTANDING. US WILL STUDY SOVIET STATEMENT AND RETURN TO THE QUESTION. AS TO RIGHTS AND FUNCTIONS, WARNKE REMINDED MOROKHOV THAT HE HAD INDICATED
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SOVIET AGREEMENT TO STATE RIGHTS AND FUNCTIONS IN ADVANCE. THAT IS NOT SATISFIED BY LEAVING THE MATTER TO THE JCC. WE SHOULD AGREE IN ADVANCE, WITH NECESSARY CLARITY, ON REASONABLE RIGHTS AND FUNCTIONS, SUBJECT TO THE PRINCIPLE OF VOLUNTARINESS AS APPLIED TO THE INSPECTION REQUEST AS

A WHOLE.

5. CRADOCK (UK) GENERALLY ENDORSED WARNKE'S REMARKS AND EXPRESSED SURPRISE THAT THE RIGHTS AND FUNCTIONS ISSUE WAS SO CONTENTIOUS WHEN WE HAD ALREADY OVERCOME THE MAIN HURDLE BY AGREEING THAT OSIS SHOULD BE ON A VOLUNTARY BASIS.

6. MOROKHOV PURPORTED TO CLARIFY HIS REMARKS ON RIGHTS AND FUNCTIONS BY SAYING THEY SHOULD BE FORMULATED, IN THE AGREEMENT, IN SUCH A WAY THAT THE JCC WILL FILL IN THE DETAILS.

7. IN MEETING OF HEADS OF DELEGATIONS AFTER PLENARY, MOROKHOV, WHEN PRESSED BY WARNKE AND CRADOCK, CONCEDED THAT THE PARTIES COULD CONSULT ABOUT EVENTS RAISING DOUBTS ABOUT COMPLIANCE EVEN IF THEY WERE NOT SEISMIC EVENTS AND HAD GENERATED NO SEISMIC EVIDENCE (E.G., IF A PARTY DISCOVERED A SUBSIDENCE CRATER), AND THAT THESE CONSULTATIONS COULD LEAD TO AN OSI REQUEST WHICH WOULD NOT HAVE TO INCLUDE SEISMIC EVIDENCE.

8. IN SEPARATE CONVERSATION AFTER PLENARY, SOFRONOV INDICATED THAT THE VERIFICATION AGREEMENT SHOULD NOT SPECIFY SUCH DETAILS AS THE EQUIPMENT TO BE USED, BECAUSE WE CANNOT CONCEIVE IN ADVANCE WHAT KINDS OF EQUIPMENT WILL BE NECESSARY FOR EVERY SINGLE ON-SITE INSPECTION THAT MIGHT

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BE CARRIED OUT. INSTEAD, THE AGREEMENT SHOULD STATE RIGHTS

IN GENERAL TERMS (E.G., RIGHT TO LOOK FOR RADIOACTIVITY)
AND THE JCC SHOULD BE THE FORUM FOR WORKING OUT THE
DETAILS. SOFRONOV HINTED THAT SOVIETS WOULD ALSO REJECT
US PROPOSALS TO SPECIFY, IN THE AGREEMENT, SUCH DETAILS
AS NUMBERS OF INSPECTORS AND DURATION OF INSPECTION.
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